

Response to TA request # 8

Outcome of Challenges under 24 CFR 1000.336 (a) (5) and (a) (6)

The Indian Housing Block Grant (IHBG) regulation at 24 CFR 1000.336 states:

How may an Indian tribe, TDHE, or HUD challenge data or appeal HUD formula determinations?

(a) An Indian tribe, TDHE, or HUD may challenge data used in the IHBG Formula and HUD formula determinations regarding:

- (1) U.S. Census data;
- (2) Tribal enrollment;
- (3) Formula area;
- (4) Formula Current Assisted Stock (FCAS);
- (5) Total Development Cost (TDC);
- (6) Fair Market Rents (FMR); and
- (7) Indian Health Service projections based upon birth and death rate data provided by the National Center for Health Statistics.

Since Fiscal Year 1998, there have been:

- 1) No challenges to overall TDCs pursuant to §1000.336 (a)(5) which would have affected the IHBG formula. However, there have been project based variances approved but those do not affect the IHBG formula calculations.
- 2) No FMR Surveys were submitted by an Indian tribe to HUD's Office of Policy and Development, the office responsible for disputed FMR determinations. Therefore, there have been no challenges to FMRs pursuant to §1000.336 (a)(6) .